



**CITY DEVELOPMENT DEPARTMENT-PLANNING
ZONING BOARD OF ADJUSTMENT MEETING MINUTES
COUNCIL CHAMBERS, CITY HALL BUILDING
DECEMBER 9, 2013
1:30 P.M.**

Chairman Concha called the meeting to order at 1:38 p.m.

The following Board Members answered roll call:

Mr. Robert Concha, Jr., Chairman
Mr. Robert Garland, Vice Chairman
Mr. Michael Bray
Ms. Margaret L. Livingston
Mr. Sam Barela
Mr. Luis De La Cruz
Mr. Roy Gilyard
Mr. Jim Graham

The following City Staff were present:

Ms. Linda Castle, City Development Department - Planning, Senior Planner
Mr. Tony De La Cruz, City Development Department - Plan Review, Senior Plans Examiner
Mr. Alex Hoffman, City Development Department - Planning, Lead Planner
Ms. Karla Nieman, City Attorney's Office, Assistant City Attorney

CHANGES TO THE AGENDA

Item #3 was postponed to the ZBA meeting of January, 2014.

MOTION:

Motion made by Mr. De La Cruz, seconded by Mr. Bray, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

Motion passed.

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Oscar Leeser

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ITEM 1:

PZBA13-00024 1901 Roswell Road Elena De La Rosa
Applicant requests a Special Exception under Section 2.16.050 J (Carport over a
Driveway) in an R-3 (Residential) zone. Item postponed at the November 11,
2013, ZBA Hearing.

This item was postponed at the November 11, 2013, ZBA hearing.

This would allow an existing 19' by 22'3" addition of which a 19' by 4'8" (90 square feet) portion encroaches into the required rear yard setback and is located to within 18' of the rear property line. Further, this would allow a 23'4" by 19' portion (443 square feet) of an existing carport which is located to within 8 feet of the front property line.

The required cumulative front and rear yard setback total in the R-3 zone district is 50 feet.

The applicant is requesting the board to allow an existing 19' by 22'3" addition of which 19' by 4'8" portion encroaches into the required rear yard setback and is located to within 18' of the rear property line.

STAFF'S RECOMMENDATION IS FOR DENIAL OF THE REQUEST FOR THE CARPORT AS THE APPLICANT HAS NOT MET THE REQUIREMENTS OF SECTION 2.16.050 J (CARPORT OVER A DRIVEWAY).

Linda Castle, Senior Planner, noted that the applicant submitted additional information which is included in the orange folder but has not submitted plans to comply for this exception. The carport does not meet the minimum requirements.

Mr. David Ellis, Attorney representing the applicant, noted that this carport was built since 1989 and the applicant has done everything to comply and requested that the exception be approved without any modifications.

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Karla Nieman, Assistant City Attorney, noted that the applicant owned the property when the additions were built, therefore, she is responsible for the encroachment.

Tony De La Cruz, Senior Plans Reviewer, noted that structural modifications are required. The beams are inaccurate and cannot sustain the weight. The rafters need to be closer and reinforced.

Mr. Ellis told the board that if this request is tabled, he is willing to meet with Ms. Castle to clarify what reductions need to be made to the carport and what structural modifications need to be done to make it structurally sound.

Elena De La Rosa, owner of the property, noted that this structure has been up for more than 20 years and the structure is strong. She objects to any changes and feels this structure should be grandfathered in.

Ms. Castle noted that if this case is tabled they would still have to comply with the size and design.

Chairman Concha asked if anyone in the audience wished to speak in favor of or in opposition to the request. *There was no response.*

MOTION:

Motion made by Mr. De La Cruz, seconded by Ms. Livingston, AND UNANIMOUSLY CARRIED TO TABLE SPECIAL EXCEPTION J TO HAVE THE APPLICANT STRUCTURALLY ENFORCE THE CARPORT AND MEET THE REQUIRED MODIFICATIONS.

ITEM 2:

Postponed to the 12-9-13 ZBA Meeting

PZBA13-00035 12159 Alex Guerrero Circle Elfido Cordova & Bertha Gutierrez Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3A/sc (Residential/special contract) zone.

This would allow a 528 sq. ft. addition, of which a 121 square feet portion is proposed to encroach into the rear yard setback and to be located to within 19'6" of the rear property line.

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The required cumulative front and rear yard setback in the R-3A/sc zone district is 45 feet.

STAFF'S RECOMMENDATION IS FOR APPROVAL AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C (REAR YARD SETBACK IN AN R-3A/SC.)

Ms. Castle noted that staff did not receive any calls in favor or in opposition to this request. She noted that Armando Rojero, contractor, has not submitted for a building permit.

Armando Rojero, contractor, concurred with staff's comments.

Tony De La Cruz noted that the proposed structure is on the second floor and that the contractor may need to make some modifications to the structural components to those patios in order to get his permit.

MOTION:

Motion made by Vice-Chairman Mr. Garland, seconded by Mr. Bray, AND UNANIMOUSLY CARRIED TO APPROVE THE SPECIAL EXCEPTION C (REAR YARD SETBACK IN AN R-3A/SC.)

ITEM 3:

Postponed to the 12-9-13 ZBA Meeting

PZBA13-00037 7304 Ramada Drive Lorena Chiu
Applicant requests Special Exceptions under Section 2.16.050 C (Rear Yard Setback) and Section 2.16.050 J (Carport over a Driveway in an R-3 (Residential) zone.

This would allow a 320 square feet portion of an existing covered patio to be located to within 10' of the rear property line. This also would allow the existence of a 55'6" by 38'11" carport proposed to extend to within 0' of the front setback.

The required cumulative front and rear yard setback total in the R-3 zone district is 50 feet.

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Linda Castle, Senior Planner, asked that this item be postponed to the January, 2014, ZBA meeting, per the applicant's request.

MOTION:

Motion made by Mr. De La Cruz, seconded by Mr. Bray, AND UNANIMOUSLY CARRIED TO TABLE THE REQUEST UNTIL THE JANUARY, 2014, ZBA MEETING.

ITEM 4:

Chairman Concha recused himself from deliberating on this item. Vice-Chair Garland chaired the meeting.

PZBA13-00040 211 Magnolia Street El Paso Water Utilities/Public Service Board
Applicant requests a Special Exception under Section 2.16.050 F (Side Street Yard Setback) in an M-1/C-4 (Manufacturing/Commercial) zone.

The applicant is requesting to locate a building to within 5' of Magnolia Street for one of its storm water drainage projects for the central area of the city. This would allow a storm water pump station which is proposed to encroach in the required side street yard setback and to be located to within 5' of the side street property line.

The required side street yard setback total is 10' in the M-1 zone district.

STAFF'S RECOMMENDATION IS FOR APPROVAL OF THE SPECIAL EXCEPTION F, PENDING RECEIPT OF THE TRAFFIC ENGINEER'S REPORT.

Linda Castle, noted that staff did not receive any calls in favor or in opposition to this request. She noted that there is an error on the drawing, that the correct side set back should be 10' and not 15 feet.

Ms. Castle noted that staff was recommending approval of this request **pending** the receipt of the traffic engineer's report. Staff did not receive the report from the Engineering Department, therefore is requesting a postponement of this request until the report is received, and a revised site plan is submitted.

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MOTION:

Motion made by Mr. Barela, seconded by Mr. Bray, AND UNANIMOUSLY CARRIED TO TABLE THIS REQUEST UNTIL THE NEXT ZBA MEETING WHEN STAFF RECEIVES THE REPORT FROM THE ENGINEERING DEPARTMENT.

MOTION:

Motion made by Mr. Bray, seconded by Mr. Barela, AND CARRIED TO ADJOURN THE MEETING AT 2:18PM.

AYES: MR. GARLAND, MR. BRAY, MS. LIVINGSTON, MR. BARELA, MR DE LA CRUZ, MR. GILYARD, AND MR. GRAHAM

ABSTAINED: Mr. Concha

Linda Castle, Senior Planner

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